

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MARVIN BERNSTEIN, Director,  
Mental Hygiene Legal Service,  
First Judicial Department, and  
MICHAEL B., EUGENE C., and  
EDDIE L., patients at Kirby Forensic  
Psychiatric Facility, on behalf of themselves  
and on behalf of all others similarly situated,

Plaintiffs,

-v-

GEORGE E. PATAKI, in his official capacity as  
Governor of the State of New York,  
SHARON CARPINELLO, in her official capacity  
as Commissioner of the  
New York State Office of Mental Health,  
and EILEEN CONSILVIO,  
in her official capacity as Director of Kirby  
Forensic Psychiatric Facility,

Defendants.

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**AFFIDAVIT OF  
SERVICE**

Case No. 05CV1322 (GEL)

STATE OF NEW YORK, COUNTY OF NEW YORK

ss:

I Laticia Johnson, being sworn, say: I am not a party to the action, am over 18 years of age and reside at 436 Sterling Place, Brooklyn, New York. On February 4, 2005, I served the within Summons and Complaint by certified mail with return receipt to each of the following persons at the last known address set forth after each name below, by depositing a true copy thereof enclosed in a wrapper addressed as shown below into the custody of the U.S. Postal Service within New York State.

Sharon E. Carpinello, Acting Commissioner

Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229

George E. Pataki, Governor  
The Executive Chamber  
Capitol  
Albany, NY 12224

Eileen Consilvio, Executive Director  
Kirby Forensic Psychiatric Facility  
600 East 125<sup>th</sup> Street  
Wards Island, NY 10035

On February 4, 2005, I also personally served the state by delivering a copy of these documents to an Assistant Attorney General at:

ELIOT SPITZER, Attorney General of the State of New York  
120 Broadway, 24<sup>th</sup> Floor  
New York, NY 10271

Sworn to before me on 2/4 2005

\_\_\_\_\_  
S/Notary

\_\_\_\_\_  
S/Laticia Johnson  
LATICIA JOHNSON